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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,150	07/09/2003	Steven Earl Berquist	01630.0001-US-01	9760

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EXAMINER

NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,150

Applicant(s)

BERQUIST, STEVEN EARL

Examiner

Phung T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 and 53-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-41 is/are allowed.
- 6) ☒ Claim(s) 1-27 and 53-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/09/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-10, 13-15, 17, 24, 53-55, 57-76, and 78-85 are rejected under 35 U.S.C. 102(e) as being anticipated by Froeberg (U.S. Pat. 6,898,517).

Regarding claim 1: Froeberg discloses vehicle-based dynamic advertising which comprises attaching a dynamic display apparatus to a vehicle; storing a plurality of advertising messages; displaying an advertising message via the display apparatus; and advancing advertising messages displayed based upon vehicle motion information (fig. 1, col. 2, lines 15-24, col. 4, lines 11-22, and col. 7, lines 32-37).

Regarding claim 2: Froeberg discloses displaying advertising messages for a predetermined amount of time based upon the vehicle motion information (col. 1, lines 49-55).

Regarding claim 3: Froeberg discloses determining advertising messages to be displayed based upon a geographic location of the vehicle (col. 2, lines 25-31).

Regarding claim 4: Froeberg discloses providing the vehicle with a motion sensing device (col. 4, lines 64-67).

Regarding claim 5: Froeberg discloses receiving vehicle motion information from the motion sensing device (col. 4, lines 56-67).

Regarding claim 6: Froeberg discloses attaching a dynamic display apparatus to a vehicle; providing the vehicle with a motion sensing device; storing a plurality of advertising messages; receiving vehicle motion information from the motion sensing device; displaying an advertising message via the display apparatus; and advancing advertising messages displayed based upon vehicle motion information (col. 2, lines 15-24, col. 4, lines 11-22 and 56-67).

Regarding claim 7: Refer to claim 2 above.

Regarding claim 8: Refer to claim 3 above.

Regarding claim 9: Froeberg discloses attaching a dynamic display apparatus to a vehicle; storing a plurality of advertising messages; displaying an advertising message via the display apparatus; displaying another advertising message via the display apparatus based upon a motion of the vehicle; and creating a log storing advertising information (fig. 1, col. 2, lines 15-24, col. 4, lines 11-22, col. 6, lines 61-64, and col. 7, lines 32-37).

Regarding claim 10: Froeberg discloses comprising determining a billing amount to charge an advertiser based upon advertising information stored in the log (col. 2, lines 32-34, and col. 8, lines 6-10).

Regarding claim 13: Froeberg discloses programming a programmable logic unit capable of retrieving demographic data correlated with a current location and to display a selected advertising message appropriate to the demographics when the vehicle is located in a specific geographic location (col. 2, lines 25-31).

Regarding claim 14: Froeberg discloses wherein the display of advertising information is logged to track at least one of the following: the advertising message being displayed, the location of the vehicle when each advertising message is displayed, a geographic location that

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each advertising message is displayed, and a cumulative duration that each advertising message is displayed (col. 2, lines 32-34).

Regarding claim 15: Refer to claim 6 above.

Regarding claim 17: All the claimed subject matter is already discussed in respect to claim 9 above. Froeberg also discloses a protective enclosure, the protective enclosure adapted to operatively support the advertising display apparatus; a mounting assembly attached to the protective enclosure, the mounting assembly for mounting the protective enclosure to a vehicle as seen in figure 1, col. 4, lines 14-35.

Regarding claim 24: Froeberg discloses comprising GPS unit and a programmable logic unit, the programmable logic unit analyzing and interpreting GPS geographic information of the vehicle and determining advertising to be displayed associated with the instant location of the vehicle (col. 5, lines 1-9).

Regarding claim 53: Froeberg discloses displaying a visual message on a visual display apparatus attached to a vehicle; the visual message directing viewers to tune viewers' radios to a particular frequency; and transmitting an audio message related to the visual message on the particular frequency (col. 4, lines 11-42, and col. 8, lines 18-23).

Regarding claim 54: Froeberg inherently discloses displaying a different visual message on the visual display apparatus directing viewers to tune to a different particular frequency; transmitting a different audio message related to the different visual message on the different particular frequency (col. 8, lines 18-23).

Regarding claim 55: Froeberg discloses wherein multiple audio messages are simultaneously transmitted on different frequencies while a single visual message is displayed (col. 8, lines 18-23).

Regarding claim 57: Froeberg inherently discloses wherein visual message display time is different than audio message transmission time (col. 8, lines 18-23).

Regarding claim 58: Froeberg discloses wherein visual message display time is substantially identical to audio message transmission time (col. 8, lines 18-23).

Regarding claim 59: Froeberg discloses wherein the visual message being displayed is in synch with the audio message being transmitted, and initiation of the visual message and the audio message is simultaneous (col. 8, lines 18-23).

Regarding claim 60: Froeberg discloses wherein when a first visual message being displayed changes to a second visual message being displayed, a first audio message transmitted on a first frequency corresponding to the first visual message continues transmission while a second audio message transmitted on a second frequency corresponding to the second visual message initiates transmission (col. 8, lines 18-23).

Regarding claim 61: Froeberg discloses displaying multiple visual messages on multiple display apparatuses and at least one of the visual messages is associated with an audio message transmitted on a corresponding transmission frequency and at least another visual message directs viewers to tune radios to a corresponding transmission frequency associated with the at least one of the visual messages (col. 8, lines 18-23). Plus the consideration of claim 9 above.

Regarding claim 62: Froeberg discloses wherein visual messages and associated audio messages are randomly selected from corresponding visual and audio databases without regarding geographic location (col. 8, lines 18-23).

Regarding claim 63: Froeberg inherently discloses wherein multiple audio messages on multiple transmission frequencies are simultaneously transmitted, and the multiple audio messages being simultaneously transmitted correspond to the current message being displayed and the visual messages most recently displayed (col. 8, lines 18-23).

Regarding claim 64: All the claimed subject matter is already discussed in respect to claims 1 and 53 above.

Regarding claim 65: Froeberg discloses wherein displaying a particular visual message corresponds to initiation of transmission of a corresponding audio message on a corresponding transmission frequency (col. 4, lines 36-42).

Regarding claim 66: Refer to claim 55 above.

Regarding claim 67: Refer to claim 61 above.

Regarding claim 68: Refer to claim 57 above.

Regarding claim 69: Refer to claim 58 above.

Regarding claim 70: Refer to claim 59 above.

Regarding claim 71: Refer to claim 60 above.

Regarding claim 72: Refer to claim 61 above.

Regarding claim 73: Refer to claim 63 above.

Regarding claim 74: All the claimed subject matter is already discussed in respect to claim 64 above.

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Regarding claim 75: Refer to claim 60 above.

Regarding claim 76: Refer to claim 55 above.

Regarding claim 78: Refer to claim 57 above.

Regarding claim 79: Refer to claim 58 above.

Regarding claim 80: Refer to claim 59 above.

Regarding claim 81: Refer to claim 60 above.

Regarding claim 82: Refer to claim 61 above.

Regarding claim 83: Refer to claim 63 above.

Regarding claim 84: All the claimed subject matter is already discussed in respect to claims 9 and 64 above.

Regarding claim 85: All the claimed subject matter is already discussed in respect to claim 9 above. Froeberg discloses a transmitter for transmitting audio message associated with visual message displayed by the display apparatus (col. 8, lines 18-23).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 12, 16, 18-23, 25-27, 56, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Froeberg in view of Polyakov (U.S. Pat. 6,414,602).

Regarding claim 11: Froeberg teaches changing displayed advertising message for a predetermined period of time (col. 2, lines 32-34) but does not teach comprising programming a programmable logic unit to change displayed advertising messages after a predetermined period of time when the vehicle is stationary as claimed. However, Polyakov discloses system of advertising that comprises programming a programmable logic unit to change displayed advertising messages after a predetermined period of time when the vehicle is stationary (col. 5, lines 24-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Polyakov in the system of Froeberg because they both teach a system for advertising, in particular with the use of moving vehicles. It is seen that the teaching of Polyakov would extend the use to the Froeberg's system by providing changing displayed advertising message after a predetermined period of time when the vehicle is stationary.

Regarding claim 12: Polyakov discloses programming a programmable logic unit to continuously display a selected advertising message when the vehicle is moving (col. 5, lines 24-32).

Regarding claim 16: Refer to claim 11 above.

Regarding claim 18: Refer to claim 11 above.

Regarding claim 19: Refer to claim 12 above.

Regarding claim 20: Polyakov discloses wherein when the vehicle is determined to be intermittently accelerating or decelerating, advertising messages are changed at predetermined intervals (col. 5, lines 24-35).

Regarding claim 21: Polyakov discloses wherein the motion sensing device is associated with a brake system of the vehicle (col. 5, lines 24-27).

Regarding claim 22: Polyakov discloses wherein the motion sensing device is associated with a drive train of the vehicle (col. 4, lines 48-60).

Regarding claim 23: Polyakov discloses a programmable logic unit for analyzing and interpreting sensed motion of the vehicle and advancing to a next advertising message display upon sensing predetermined parameters relating to vehicle motion (col. 5, lines 24-35).

Regarding claim 25: Polyakov discloses wherein the system is mounted to a trailer hitch of the vehicle (col. 2, lines 58-59).

Regarding claim 26: Polyakov discloses wherein the system is mounted to a rear door of the vehicle (col. 2, lines 58-59).

Regarding claim 27: Polyakov discloses wherein the system is mounted to a roof of the vehicle (col. 2, lines 58-59).

Regarding claim 56: Froeberg teaches each of the multiple visual messages is associated with an audio message transmitted on a corresponding transmission frequency (col. 5, lines 14-36). Froeberg does not teach displaying multiple visual messages on multiple display apparatuses. However Polyakov discloses displaying multiple visual messages on multiple display apparatuses (fig. 3, col. 5, lines 14-36). Therefore, it would have been obvious to the skilled artisan to employ the technique of Polyakov in the system of Froeberg in order to display multiple visual messages on multiple display apparatuses which is an advantage.

Regarding claim 77: Refer to claim 56 above.

Allowable Subject Matter

5. Claims 28-41 allowed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

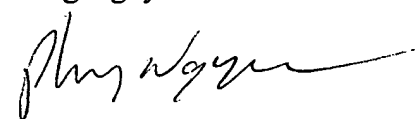
- a. Nuspl [U.S. Pat. 5,423,140] discloses two-sided display.
- b. Romaine [U.S. Pat. 4,953,315] discloses display device for vehicles.
- c. Froeberg [U.S. Pat. 6,542,822] discloses directed user-based dynamic advertising.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax numbers for the organization where this application or proceeding is assigned are 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600

Phung Nguyen



Date: March 17, 2006